

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

UNITED STATES OF AMERICA, THE STATE)
OF GEORGIA, and THE STATE OF NORTH)
CAROLINA *ex rel.* TERESA VALLENTINE,)

Plaintiffs,)

v.)

NEIL L. PRUITT, JR. *et al.*)

Defendants.)

Civil Action No. 115-044

FILED EX PARTE AND
UNDER SEAL

THE GOVERNMENT'S NOTICE OF ELECTION TO DECLINE INTERVENTION

Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4)(B) and Georgia False Medicaid Claims Act, O.C.G.A. § 49-4-168.2(c)(4)(B), the United States and the State of Georgia ("the Government"), by and through the undersigned counsel, notifies the Court of its decision to decline intervention in this action. North Carolina also joins in this Notice (collectively with the United States and Georgia as "the Government")

Although the Government declines to intervene, we respectfully refer the Court to 31 U.S.C. § 3730(b)(1), O.C.G.A. § 49-4-168.2(f), and N.C. Gen. Stat. § 1-609(f), which allow the relator to maintain the action in the name of the Government, providing, however, that the action may only be dismissed if the Court and the Attorney General give written consent to the dismissal. Accordingly, if the relator elects to voluntarily dismiss this action, the Government consents to such dismissal without prejudice to the rights and interests of the Government.

Furthermore, pursuant to 31 U.S.C. § 3730(c)(3) O.C.G.A. § 49-4-168.2(f), and N.C. Gen. Stat. § 1-609(f) the Government requests that all pleadings filed in this action be served upon the counsel of record for the Government. The Government also requests that orders issued by the

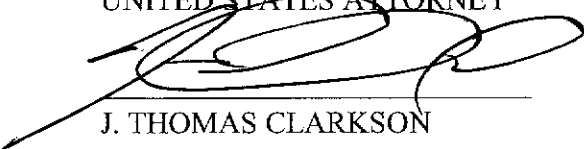
Court be sent to the Government's counsel. The Government reserves its right to order any deposition transcripts, to intervene in this action for good cause at a later date, and to seek the dismissal of the relator's action or claim(s) on any appropriate grounds. The Government also requests that it be served with all notices of appeal.

Finally, the Government requests that the relator's Complaint, this Notice and the attached proposed Order be unsealed. The Government requests that all other papers on file in this action remain under seal because, in discussing the context and extent of the United States', the State of Georgia's, and the State of North Carolina's investigation such papers are provided by law to the Court alone for the sole purpose of evaluating whether the seal and time for making an election to intervene should be extended.

This 17th day of January, 2017.

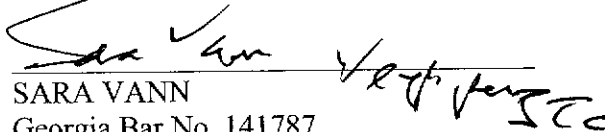
Respectfully submitted,

EDWARD J. TARVER
UNITED STATES ATTORNEY



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CERTIFICATE OF SERVICE

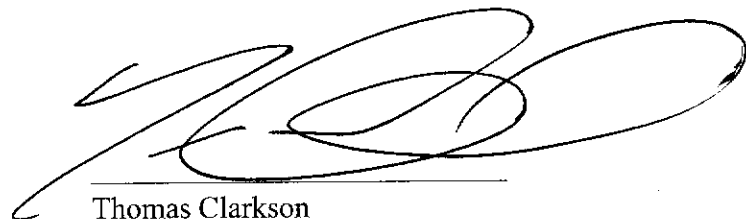
I hereby certify that on this 17 day of January, 2017, a true and correct copy of the Government's Notice of Election to Decline Intervention and a Proposed Order was mailed by certified mail to attorneys for relator:

Sam G. Nicholson
Nicholson Revell LLP
4137 Columbia Road
Augusta, Georgia 30907

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Travers W. Paine III, PC
560 Ninth Street
Augusta, Georgia 30901

Joseph P. Griffith, Jr., Esquire
Seven State Street
Charleston, South Carolina 29401

E. Bart Daniel
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A large, stylized handwritten signature in black ink, appearing to read 'T. Clarkson', is written over a horizontal line.

Thomas Clarkson
Assistant United States Attorney
Southern District of Georgia

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)	<u>UNDER SEAL</u>
NEIL L. PRUITT, JR. <i>et al.</i>)	
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Defendants.)	

ORDER

The United States, the State of Georgia, and the State of North Carolina (“the Government”) having declined to intervene in this action pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4)(B), the Georgia Medicaid False Claims Act, O.C.G.A. § 49-4-168.2(c)(4)(B), and the North Carolina False Claims Act, N.C. Gen. Stat. § 1-608(b)(4)(B) the Court rules as follows:

IT IS ORDERED that,

1. The complaint be unsealed and served upon the defendants by the relator;
2. All other contents of the Court’s file in this action remain under seal and not be made public or served upon the defendants, except for this Order and the Government’s Notice of Election to Decline Intervention, which the relator will serve upon the defendants only after service of the complaint;
3. The seal be lifted as to all other matters occurring in this action after the date of this Order;

4. The parties shall serve all pleadings and motions filed in this action, including supporting memoranda, upon the Government, as provided for in 31 U.S.C. § 3730 (c)(3), O.C.G.A. § 49-4-168.2(f), and N.C. Gen. Stat. § 1-609(f). The Government may order any deposition transcripts and is entitled to intervene in this action, for good cause, at any time;
5. The parties shall serve all notices of appeal upon the Government;
6. All orders of this Court shall be sent to the Government; and
7. Should the relator or defendants propose that this action be dismissed, settled, or otherwise discontinued, except by voluntary dismissal without prejudice by the relator—to which the Government has already consented—the Court will solicit the written consent of the Government before ruling or granting its approval.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA

Dated: _____